

2/19/20  
PB Minutes

Town of Wallkill  
PLANNING BOARD MINUTES

February 19, 2020

Members in Attendance: Gary Lake

Clark Najac, Bill Capozella, Doug Dulgarian

Andy Guattery, Tom Hamilton, Jim Keegan

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

Absent: Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING

**1 - Public Informational Hearing Amendment on Local Law #249-11 J SIGNS**

G Lake: Ok. We have an informational public information hearing about a little zone change. I'll have MaryLynn read it as it appeared in the paper:

M Hunt: "The Town of Wallkill Planning Board notice of public informational hearing. Please take notice of the public informational hearing will be held by the Planning Board of the Town of Wallkill, on February 19<sup>th</sup> 2020 @ 7:30PM at the Town of Wallkill Town Hall: 99 Tower Drive Bldg A Middletown, NY 10941. To consider the adoption of a local law amending town zoning code section 249-11 J signs amending specific regulations on wall signs. All parties of interest will be heard at such time and place."

G Lake: all this is basically, they are removing one section of the code section C with location no higher than the first floor. They are taking that out and moving everything else back. I'll go through the board and then I'll open it for any comments and all this is is like a recommendation to send it back down to them to say yes go ahead.

D Dulgarian: after the public

J Keegan: after the public

B Capozella: after

C Najac: after the public

A Guattery: after

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T Hamilton: after

G Lake: OK I **open** this public informational hearing at 7:30PM anybody? I didn't think so. **Close public information at 7:31PM Andy/Clark 7 Ayes**

Anything from the board on this? Guys?

D McGoey: one thing I want to share that Jerry and talked about was the building such as Toys R Us and Home Depot and now Caldor's Plaza they have buildings on major highways and this eliminates them from having the ability to have a sign on the back side of the building. I thought there was one point that the TB would grant to the PB to have the signs on the back of the building. I think that was taken away from them. I thought maybe if the board agreed that you might want to send that recommendation along. Let there be building with special permission under those circumstances.

D Dulgarian: Yeah there has to be a way they can see through the leak for that. Correct, that's what you are talking about. I agree

J Keegan: Yes

B Capozella: Yes

C Najac: Yes

A Guattery: Yes

T Hamilton: just one item, with Dick, they actually can come in make the buildings face towards the highway. Then they wouldn't have to worry about the existing ones.

G Lake: As Dick and I were talking, some places where you get like Toys R Us and Like Home Depot which kind of has frontage on all sides.

T Hamilton: that's all

G Lake: we will do that tomorrow then?

D McGoey: yes with recommendation

G Lake: right that with the recommendation. Ok we will talk about it tomorrow then ..

**Motion to send this with a recommendation** including the signs on the back in certain locations.  
**Tom/Doug 7 Ayes 0 Nays**

**2 – Fairbanks SP Revision 36-2-37.11 – cancelled by applicant rescheduled 3/18/20**

**3 – O’Connell Family Contracting, LLC SP/SUP Lot Line 244 Mud Mills Rd (36-2-27.51)  
#2020-0008**

G Lake: OK name for the record.

R Fellenzer: with Fellenzer Engineering. Here’s the application for 244 Mud Mills Rd representing O’Connell Family Contracting, LLC. They own 2 parcels that are at the intersections of Maples Rd and Mud Mills Rd. What they would like to do is combine those two lots and then utilize the main property for storage for their contracting business. It’ll just be storage for their overflow tools, equipment that they would be using. There won’t be any offices in there, nobody will be occupying the site during business hours. There’s not going to be someone there full-time. So they are not proposing any septic or water systems. Pretty interesting what they are proposing is to do 2 shipping containers and adding prefabricated trusses over those containers. Creating a storage building out of that. So we show that on the site plan the access along Mud Mills Rd. are proposed. The driveway back to the central area of the site where they are looking to put this building. WE have our minimum parking spaces there and we also show an outdoor storage for their trailers. They have couple of different type of trailers. They aren’t big tractor trailers we are talking small 14’ to 18’ box trailers and open trailers that you would use for your contracting business. They are low profile, they won’t be visible from Maples or Mud Mills Rd. We also show that the chain link fence for security purposes. With that they would like, with their proposal and application they would like to get the boards comments on that.

G Lake: ok before I go through the board. Dick’s comments. Have your received them? Are you going to have any problems with them.

R Fellenzer: I haven’t seen a copy of them yet. I haven’t seen them but we really don’t have any issue with Dick.

G Lake: here you can take mine, just look at them. I’ll go through the board.

D McGoey: A few issues the existing culvert that was installed on their drive-way. We have to make sure that is installed to the planning and highway department standards. And also you will have to verify that there is less than one acre of site disturbance otherwise you will have to SWWP. You need to show that on the Site plan

R Fellenzer: understood

D McGoey: in addition to those comments.

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R Fellenzer: we are looking at maybe a half acre or less

G Lake: ok take a quick look at them and see if there is anything we need to talk about.

How you guys making out?

R Fellenzer: we are going over it

G Lake: it's nothing we didn't talk about in the WS.

R Fellenzer: These are reasonable requests that we have to comply with and put on the plans.

G Lake: OK let me go through the board we have to set you up with a PH SO we will do that, let me go through the board first

D Dulgarian: first off, nice map. I like it when we get a map when it actually shows you the location and everything. You guys are using this now, correct? There's something going on up there now.

R Fellenzer: yes they started to access the site. That's how we ended up here because we want to the right process.

D Dulgarian: Dick this would just be considered a storage building, Correct?

D McGoey: yes

D Dulgarian: which is a permit use

D McGoey: it's permitted, special use. Yes

D Dulgarian: it's pretty secluded. And it's a reasonable use. I have nothing further. We are setting a PH correct?

G Lake: yes

D Dulgarian: yeah I'm good.

J Keegan: the only question is all this storage other than the trucking equipment would be inside the storage containers, inside the building. You are not going to have anything outside? Beams, pipe, conduit anything like that.

R Fellenzer: nope other than the trailers

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J Keegan: OK then I would have no issues, if you did wind up putting a lot of storage outside if you wind up outgrowing this, maybe just consider putting some slats and fencing. This way no one will be able to see it from the road. That's really the only issue I have.

B Capozella: I'm OK

C Najac: yeah I'm good.

A Guattery: nothing further

T Hamilton: Dick on that last comment on there. What's the building department have to say?

D McGoey: they were going to look at it. I already sent over comments to their office.

R Fellenzer: I haven't seen Frank's comments but he was at our WS meeting. I told him that we are going to formulate building department plans for his review. There are some soils that we need to check out before we can do the foundation design that we want to make sure that we have the right size footings. There's going to be some lighting that we are going to show. So we are going to make the building department plans for his review.

T Hamilton: I was just wondering if say yes and then the building department...

D McGoey: that's why I wanted this board to be approving the type of building structure. I don't think that's your place. Let the building department do that.

T Hamilton OK alright

G Lake: OK then we will set you a **PH for March 18<sup>th</sup> Motion Bill/Jim 7 Ayes 0 Nayes**

G Lake: Dick do you want them back to WS?

D McGoey: yes

G Lake: OK call in and set that up.

#### **4 – Scanarello – SP Revision 40 Enterprise PI (40-1-47.1) #18-14**

G Lake: name for the record.

Good Evening, Brad Cleverly MJS Engineering.

G Lake: OK tell us the modification that you want to do.

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B Cleverly: this site had a proposed building which was approved roughly a year ago. For another warehouse facility. At the site which was approved. Since then the client identified a renter that it would be a bread distribution company and since they identified renter. It requires a minor modification to the building essentially the building is being rotated by a few degrees so it's parallel with the rear lot line. It's about 1,000s.f. bigger or so. Which is what this renter requires. The drawing look very similar, just the building, different orientation. Very similar s.f. that's about the only changes here which are required. That's all to accommodate this specific renter for this facility.

G Lake: OK Dick's comments? Anything, any problems

B Cleverly: not at all

D McGoey: the only issue I had was with the grading over the property line and you not showing the guide rail for the parking area. It looked like you were encroaching on the adjoining property.

B Cleverly: In a drainage easement, yes. There's a drainage easement there. We are realigning the ditch into where the drainage easement is.

D McGoey: does it show, the parking lot, the guide rail. Because I think that you encroach on that also. That's in the drainage easement and you got to move it. It's going to be an issue.

B Cleverly: I totally, I realized in there by about 2'. I am just going to take it out of the drainage easement.

D McGoey: alright

B Cleverly: remove any of our roadway from that easement entirely.

D McGoey: we will have to a little field meeting out there.

B Cleverly: sure.

D McGoey: I got no other major problems Gary.

G Lake: OK we went over this pretty good at the WS guys. They want to rotate this a little bit and that's why we brought it back here. Just so you guys can get another look at it and we can do a modification to the one that they already got ok'd from us about a year ago.

D Dulgarian: so the C1 is approved?

B Cleverly: no we have the approved site plan. This is a new

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D Dulgarian: but it says proposed warehouse 7,260 that what was approved right?

B Cleverly: well we have an existing building there. And then we are changing the new building. If that makes .... Let me show you what was

D Dulgarian: I just want to know where the 900 s.f. is, is this just in the office?

B Cleverly: this is what was approved roughly a year ago. Where the orientation is along the side lot line and so the building was revised. So now it's along this rear lot line. So there is still, in the new building there's roughly 900s.f of office 7,260 s.f. of warehouse.

D Dulgarian: ok so the total of sq.ft'age is???....

B Cleverly: 8,160

D Dulgarian: so is this coincidence that the total square footage that was approved last time is the same as the warehouse that existing this time?

B Cleverly: Yes

D Dulgarian: that's what threw me off. OK

J Keegan: nothing

B Capozella: still need zoning requirements so no issues

C Najac: no issue with the plan but for definition sake we should know how much of difference is considered minor.

B Cleverly: this is minor.

C Najac: so 1/8<sup>th</sup> is minor. But that was a question for us. It's a discussion we need to have.

G Lake: when we look at it at the WS. Swinging it around, Dick and I felt that it was a minor thing. It wasn't going to change the outlook of the property. Actually I'd say it's less than 10<sup>th</sup> of the people that are going to use is probably going by 4:30AM. Probably back in 1-2 o'clock in the afternoon. So we didn't see any real significant impact of the neighborhood. Which is really a commercial drive right here on Tower Drive. So that's we kind of recommended coming back to us anyway. So everybody can get a look at it and make sure that everybody here was satisfied with that interpretation that we did.

D McGoey: I don't think anyone showed at the last PH.

G Lake: I think you are right.

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C Najac: no issue with

G Lake: this is why it's here because we wanted to

C Najac: for our sake though we need to know 10%, 15%, 20% and where's the line. But yes no problem with this.

A Guattery: is the change in Square footage for your requirements or because you can fit more now that you have turned the building?

B Cleverly: it's what the renter needed. They needed 7,000 sq.ft of area for his spread around the building.

A Guattery: just curiosity, I have no issues with the plan. It's all good by me.

T Hamilton: nothing

G Lake: OK then we already Neg Dec'd and everything. I think what we have to do is **motion for SP modification. Doug/Andy 7 Ayes 0 Nayes**

Good Luck!

#### **5 – Smoothie King – SP SUP 333 Rte 211E (50-1-31.1) #19-81**

G Lake: ok name for the record, and I saw you sign in I believe.

Todd Reyling with Reyling Design and Consulting. On behalf of my client, Smoothie King, if you guys remember, I think it was back in October that we brought this. My client is looking to buy a ½ acre of the Aldi's parking lot along 211 there. So as chairman said we took to a commercial cluster, there was a few things that didn't meet, I guess more because we were in a parking lot and we didn't really have a site set backs, we added in a drive thru bypass so we don't have the landscape buffer on the side so we took it to them and they were all in favor of this. One request they did have that was brought up in our WS meeting was they wanted a sidewalk joining the front of our building to the public sidewalk, so we did add that in. So that was the one big thing that they had. We went to a WS meeting a couple of weeks ago. We did receive some comments from Dick. There's a couple of things I wanted to note on here, I think everything is pretty self-explanatory on here. It's just we are going to have to go back on two of these I have to go back to Aldi's because they are off our property, off of Smoothie King property. One being the striping of the parking lot. I know Aldi's just restriped everything up around their building but if he's talking about the other piece. This is going to be off our property, so I have to go back to Aldi's and ask them regarding that because it's not going to be



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on us. Not part of our contract. The other one is the landscape islands that are on Aldi's property. Everything we do on ours, on the ½ acre site. All the landscaping will be redone. So there's a couple of islands that are going to be Aldi's property within that and he's recommended that those be landscaped as well. We have to go back to Aldi's and ask them that question. So we are doing a lot split so this is all going two-fold as far as getting the SP approved but also getting the SD approved as well. I think everything else as far as comment wise. There are a few things that I might have to talk Dick regarding some details. To make sure that I have the right details on here. Other than that, I really don't see whole lot. Snow removal we talked about. We have gone back to Aldi and redid our contract with them. We do show on the SP as far as where that snow removal. I know that Dick talked about after that 72-hour period, it needs to be removed from the site so we will definitely have that the plan as well. That will all be recorded, and again documented. We did send that to the town attorney as well. He looked over language. It was good with the language as well. So we are just going to update that a little bit. On this plan right here so. I don't really think that there's anything else. There's another thing that kind of came up that we did talk to NYS DOT, because both water and sewer, we were going to be tapping into. Are going to be out there so we have to talk to them. Dick just asked me to put a note on the plan, that it may have to be requested that we get in contact with them before we do any kind of construction. We have to have permits in hand so we are working on that. Once we kind of get this. With talking with them, what they told me was: Once we kind of get the SP approved then we will walking with them as we are doing construction. I know we still have building plans to follow up after the SP. I think they are looking at the first part of March to send those to the building department for approval. So hopefully we will have everything wrapped up with our PH and SP and we can push toward that and talk to the NYS DOT at that time too. Anything else we saw as far as comment wise, Dick did you find anything??

D McGoey: no

G Lake: OK so basically you have gone through Dick's comments, you have already addressed a lot of them quickly. Let me go through the board before we set your PH. We understand that a lot of times that you can't get to the state until you get through us, I never understood why they wouldn't look at it but ....

D Dulgarian: You were here in October?

B Cleverly: yeah we were originally for a WS.

D Dulgarian: it seems like a lot longer than that.

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B Cleverly: it could have been but yeah September/October timeframe we were at a couple of meetings here and then we went with Dick and then you guys requested us to go TB for commercial cluster because, just a couple of set backs, is all it was.

D Dulgarian: I still think it's a good project and I like that the access is limited ingress. I tell you what stands out and Dick comment is the amount of parking, this is shared parking with Aldi and everybody?

B Cleverly: yes

D Dulgarian: but you know, if you look at this to the Easterly side into the Southerly side there's 17 spots on the Easterly side and maybe 1, 2, 3, 4, 5, 6, 7, 8 to the Southerly side. We could lose some of them to just landscaping or something?? Instead of having that much black top? I don't know it's just a thought.

D McGoey: well it's all there now.

D Dulgarian: I know

B Cleverly: we are going to get rid of a little bit of black top. Out front is going to be a little more landscape out front. Then what you have right now. It's not an immense amount but...

D Dulgarian: nobody is going to park there and go to Aldi's. So for your place which is probably going to need 60-70% drive-up. You're going to have whatever this is 50 parking spots?!?! It's ridiculous.

B Cleverly: well we are required by code to have 20. We have 18 in our parking lot.

D Dulgarian: you have 17 and then probably. Then another 17 plus 8 here, it's crazy

B Cleverly: I also know that

D Dulgarian: I know it's existing

G Lake: but it's not their property either. Once they SD it out.

McGoey: it's also shared parking with Huffman Koos. And CVS

D Dulgarian: CVS? They are going to walk across that driveway?

D McGoey: well it's all part of the shared parking, complex

D Dulgarian: I'm just saying we have a piece of paper here where we can make it better, my thoughts

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J Keegan: I have no issue. Where's the closest Smoothie King, I can take a look.

B Cleverly: we just opened up in Newburgh, we opened two weeks ago, I believe. Then we have one in Kingston, in Ulster. We actually just opened one the same model right here.

G Lake: is that the one in Newburgh, also?

B Cleverly: no Newburgh is an endcap of retail building. So we are leasing, that space.

G Lake: where is it?

D McGoey: it's on 300 right behind Cosimo's, right by Home Depot, Wal-Mart

B Capozella: a lot of things are pre-existing on this property. I did see a crosswalk from the parking lot there. That we don't show on this plan. That might be something

B Cleverly: as far as what, I'm sorry

B Capozella: show a crosswalk for pedestrians right there from the parking lot to your Smoothie King. Oh you did it right there. OK

B Cleverly: yeah you are talking about this one right here? That was actually recommended by TB. We might have talked about in our last meeting, we could have. Not aware of that. That's one of the things that they asked us, we were willing absolutely to do that. At the time we think people like to walk in general up and down 211 so..

C Najac: yes question on the lighting. Could you explain to me how the lighting is (astronomical number) right at the first vehicle and 2' it drops down to something that's normal.

B Cleverly: I'll tell you right now, I'm not an electrical person by any means. So I have talked to, because Dick did bring it up in our WS meeting. I did talk to the MEP and he will work on that as far as the directing that light a little differently like that. I know we have a flip candles right there 10 and 11 right there, that one right there when you come out of Drive thru so

C Najac: 80

B Cleverly: I will him look at that again.

C Najac: the rest of it looks fine but it's a typo or we really have a problem.

B Cleverly: I apologize so yeah. That was another question that Dick brought up. He wanted to make sure ..... Did you get my specs on there, I sent you and e-mail??

D McGoey: I didn't

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B Cleverly: I have a copy here. But he was concerned about. The amount of light, they actually are fixed so they

G Lake: anything else Clark

C Najac: finish his lighting comment there.

G Lake: he said he's going to check on it

C Najac: no he said he's handing it to Dick

B Cleverly: oh that's just the fixed amount of the light, he requested that.

C Najac: thank you

A Guattery: he's got one stand along building like this in Kingston? Whereabouts?

B Cleverly: off of 9W, Tractor Supply – right by there, next to Hardee's there.

A Guattery: I will go take a look at this, because it's going to be similar

B Cleverly: the parking lot is a lot different but it's the same building.

A Guattery: I know that area and it's the same building, that's all I am looking for.

B Cleverly: the building layout will be a little different as afar as the layout, but it's the same footprint.

A Guattery: I have no problem with the site.

T Hamilton: everything is fine.

G Lake: motion to set a PH, Dick are you going to have him back to WS?

D McGoey: yes I think we need to straighten out that Landscaping and lighting and the parking lot striping so yeah.

B Cleverly: to WS? , OK

**G Lake: motion to set a PH for 3/18/20 Clark/Andy 7 Ayes 0 Nayes**

We will have to sneak you in, I guess the WS are full but we will try to sneak you in

B Cleverly: I can have It all updated before next one. That's not a problem at all.

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**6 – Saddle Ridge SP SUP – Maples Rd Ext to Cond Final (36-2-67.61) (22-3-10.2) #2010-049**

For the record: my name is Jerry Bergman and I am here for the Saddle Ridge SP. We are requesting a one-year extension to our conditional and final approval.

G Lake: OK and I did talk a head of time a little bit that the RR is holing you up a little bit yet. Let me go through the board and see if they have any other questions.

D Dulgarian: I think that every project has it's own set of circumstances and they need to be looked at while I don't like giving multiple extensions, I feel like in this particular case it is warranted for an additional one-year extension.

J Keegan: I agree, because of the circumstance are out of the applicants hands pretty much with the RR at this time, I have no problem with this.

B Capozella: one-year

C Najac: one-year

A Guattery: one-year

T Hamilton: one-year

G Lake: **motion for a one-year extension. Tom/Clark 7 Ayes 0 Naves**

M Hunt: Dick what ext is this, do you know? is fourth or fifth?

D McGoey: I thought we were at four!?!?!

Motion to adjourn: