

Town of Wallkill  
PLANNING BOARD MINUTES

February 14, 2018

Members in Attendance: Gary Lake

A Guattery, T. Hamilton, Clark Najac, J. Keegan

Tom Hamilton

ABSENT - Bill Capozella,

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

**Ring SP – (Church Use) 40 Dunning Rd. (78-1-55) #40-17**

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 99 Tower Drive, Building A, Middletown, NY in said Town on the 7th day of February, 2018 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of Ring Church of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. I rec'd the mailings.

L. Frampton I'm here for Eric Ring, the owner. We had a traffic assessment and hand delivered and emailed it to the OCDPW.

G. Lake They have been to a worksession. I will open this PH at 7:42 pm. We are going to leave this open until we receive comments back from OCDPW.

R. McGoey The only comment I have is that they need to tweak the signage for the HC.

L. Frampton Eric wanted to know if we can make the trash enclosure smaller. It's huge.

R. Mcgoey Yes, as long as you have an enclosure. It can be a stockade fence.

L. Frampton If we need to leave this open it is holding up the building permit since June. Can we go forward with the permit?

G. Lake That would be up to the bldg. dept. we can't close the PH with an agency open out there. I don't believe they can give it to you. Unfortunately the traffic study is still out there. We don't want to move it forward and have them deny it so we will table it for tonight and then put you right back on the schedule when we hear back from them. Motion to table- Tom/Jim 6 ayes.

**Ascenzo Warehouse SP/SUP – 260 Banke Rd. (1-1-70.1) #109-16**

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 7th day of February, 2018 at 7:30 p.m. or as soon thereafter as the matter can be heard that day on the application of Nick Ascenzo for a site plan for a new building and parking for a steel fabrication and welding business located at 373 Route 17K and being designated as Tax Map Section 1, Block 1, Lot 70.1 under Section 249-27(C) of the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place. I have rec'd the mailings.

J. Nosek This is a building on a new parcel for building and steel fabrication that will replace the existing facility nearby. In accordance with Town requirements and State requirements we prepared a site plan including a proposed 10,000 s.f. commercial bldg. for steel fabrication with appropriate parking spaces. (13) we have also designated a gravel storage area for product storage. In addition, the facility will be served by individual well and sub surface septic which we have completed the appropriate soils testing and design for. Access will be provided of Banke Rd. by a proposed driveway. We have prepared a fairly lengthy SWWP Plan with a retention pond and bio detention treatment area according to SWWP regulations.

G.Lake You have been to a w/s since the last meeting. This is going to move the operation on Tarbell and Banke to this location. Ok – motion to open this PH at 7:45 pm.

N. Sabicki I would like to know where you are planning to put the warehouse as I am next to you. What about noise and light pollution?

J. Corless I am concerned about the environmental impact for this- I read online there are a lot of hazardous by-products?

Joyce ? It is on the back of my property – can they put a fence up for noise control?

S. Pruden(sp) the entrance is on Banke Rd? (yes) I live on the corner of Banke and Tarbell in the farmhouse. I worked in the City and moved up here for peace and quiet. Especially if there is a driveway right next to my property. I could not even sit outside last summer and they have bright lights on the property. it's very unsightly to look at. Why do we have to look at it? Put up a privacy fence, I'm very concerned about the noise.

J. Nosek This facility is replacing what is there now. My understanding is that it will be completely removed once this one is in. The other property will be cleaned up and will meet all the requirements of the bldg. dept. before a c/o will be granted for this facility. With regard to the lighting, we are not proposing any external lighting. That is not part of our plan. I don't think it will be an issue. We are not looking to illuminate the exterior, only the inside. Noise- I can't speak for the applicant and don't know if it's dump trucks or the fabrication of the steel, all of the steel will be done inside the bldg.

2/14/18  
PB Minutes

I don't have arch. Plans but I assume additional sound barriers will be in place to keep the noise in the facility.

G. Lake What will the work hours be? the zone is ok being close to 17K.

J. Nosek I would assume 8-5 Monday thru Saturday?

N. Ascenzo Typically we start at 7 and finish between 3:30 and 5. That would be six days but most of the time 5 days.

J. Nosek There was a comment about access onto the Town Road. And the proximity to someone's home. The location is selected for the appropriate site distances but the actual portion where the steel fabrication will occur is quite away in, about 205' from Banke Rd. that location selected because of the best site distance.

G. Lake The question on screening – you know our code is pretty strict on that as far as trees and protecting the neighbors. We should take a stronger look at where some trees are and put a few more in. we will let our engineer and myself at a w/s ..

R. McGoey They are not proposing any trees along the road right now. The Hwy Dept wants them to remove the stone wall so the hedge wall will be coming out as well.

T. Hamilton They have trees there on page 6.

G. Lake There is a field across the street, maybe some of the trees can be slid to the back and side to protect your neighbors. He does have to fill out a Part 1 and 2 that covers the environmental issues and it has been reviewed by our engineer and our attorney.

Public Can he actually show us on the map where the warehouse is going?

J. Nosek This is the blow up of the area where it is going.

G. Lake You can file a FOIL and get this information as well.

Public Thank you.

G. Lake Motion to close this PH at 7:56 pm. Andy/Doug 6 ayes.

R. Mcgoey There is not a lot they cannot resolve, highway detail, need KC Eng. For the septic. Nothing they can't overcome.

2/14/18  
PB Minutes

G. Lake            You are going to be losing the stone wall since it is in the Town ROW. The trees – add'l landscaping and take the neighbors into consideration. If it means putting up a fence for noise so be it. We will be taking another look at that also.

D. Dulgarian    What do you guys do?

N. Ascenzo      We are a steel erector, it's rare that we fabricate. We only do in an emergency. We store our equipment there and do steel erection all over the metro area and Philly and basically this is a storage facility.

D. Dulgarian    Trips- do you get deliveries to the site? How often?

N. Ascenzo      Not often. It's not a daily thing. It could be a week before a delivery.

D. Dulgarian    I think we have an obligation to the neighbors to include the hours of operation on the map so you can be held to those. I would limit myself to 3:30 though, that would be a good thing. I would also like to see a note on there that any lighting will be kept on site. The fenced in area in the rear – gravel storage, what is that?

N. Ascenzo      Sea containers with some of my equipment in them, and a few trucks.

D. Dulgarian    Is there any other outside storage, pallets, reels?

N. Ascenzo      There could be pallets.

D. Dulgarian    They would have to be shown on the map. What we see is what we approve.

R. McGoey      You cannot bring sea containers on the site and stack them up. They are not allowed. We don't want to end up with the site like you have across the street.

D. Dulgarian    I agree with add'l landscaping around the property and will trust that to our engineer.

J. Keegan       I agree putting the hours on the map, even though it fits the zone. I agree with more screening for noise with the neighbors.

C. Najac        This will be your shop to maintain and store equipment. Are you planning on servicing your equipment such as oil etc? do you have storage for that and make sure the Fire Dept is aware of what is on site. The hours of operation are good I just want to make sure when you do the fabrication that you close the doors.

A. Guattery We have heard about the stone wall in front of the property. we want to keep it looking nice. Have you looked at the possibility of backing the wall up on your property?  
N. Ascenzo I'm not opposed to it.

A Guattery If it is possible it would be great, if it can stay and be part of the landscaping that would be a good neighbor off the top. The storage containers, yeah, we want to make sure it stays looking nice. I think it's important that you clean up one site, move into this and make it work. Pallets outside or pipe racks we would like to know about. Hours of operation on the map for sure.

T. Hamilton I think they have covered it.

G. Lake You understand the changes you need to add to the map. The approval is for this lot with the expectations that the corner with all the equipment is will be coming here. The farm end of it will stay farming.

J. Nosek Yes, a lot of it is wetlands and we are only doing improvements on lot 1.

G. Lake This gives the enforcement arm of the Town much more leverage when we ok this site plan. Motion for a neg dec/part 3 EAF subject to comments. Andy/Clark

D. DULGARIAN AYE  
J. KEEGAN AYE  
C. NAJAC AYE  
A GUATTERY AYE  
T. HAMILTON AYE  
G. LAKE AYE Motion for SP/SUP subject to all comments. Tom/Andy

D. DULGARIAN AYE  
J. KEEGAN AYE  
C. NAJAC AYE  
A GUATTERY AYE  
T. HAMILTON AYE  
G. LAKE AYE Thank you and good luck.

**Deerfield Commons SP/SUP - 1089 Rt. 211e (44-1-25.2, 42 & 43) #105-16**

M. Hunt NOTICE IS HEREBY GIVEN that 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 7th day of February, 2018 at 7:30 or as soon thereafter as the matter can be heard that day on the application of Warwick Properties – 2 Liberty Court, Warwick, NY 10990, for a 252 unit senior citizen complex with associated parking, recreation and ancillary facilities and four (4) lot subdivision located on the south side of Foster Road, also known as Section 44, Block 1, Lots 25.1, 25.2, 42.2 and 43, under the Zoning Law of the Town of Wallkill. All parties of interest will be heard at said time and place.  
I have rec'd the mailings.

J. Pfau I am representing Mr. Mandelbaum. This is a site plan for 252 senior citizen units. It is a SD as well. It is 6 bldgs. With a closed road off of Inwood Rd. it is bordered by Hillside Condos. Here is an aerial photo. Hillside and Inwood are here, our proposal is to come off on inwood, pass the last apt. bldg and we have a circular complex with 6 bldgs. All of them are 1 bedroom units except for the caretakers units which is 3 bedrooms. There is one in each phase; there are 3 in each project total. They are serviced by water and sewer and have a full swwp in place so there are no adverse effects on site. As part of this application you can see there is a large portion along the back that is proposed to be perpetual open space. At this time the Town does not know if they will take it in some kind of a trust or Palisades park. A small portion in front is part of our zone overlay which is set for potential future commercial development and is not part of this application.

G. Lake Thank you. Motion to open this PH at 8:10 pm

M. Ilkow I own a condo in Inwood Hills and my biggest concern is how this project will be supplied with water and how sewer will be addressed. I know the way it is now we just recently had the development on the side of Inwood (6 houses) our water supply comes from the big tank and the pressure is not great. I want to be sure this project will be separated if that is possible. My other question is the commercial going to be separate from this project? How high are these buildings?

J. Pfau with regard to W&S we are tying into both TOW water and sewer. There is a potential pressure problem with DPW – as you go up you use water pressure. It's a fact. The Hillside Condos have adequate pressure. Inwood it gets less. The SF SD has booster pumps and we have met with the DPW and are scheduled to do testing on the site to verify if we have enough pressure. In the event the pressure is substandard we do have the location shown on the plan where we would be proposing an in-line booster pump station for our facility.

2/14/18

PB Minutes

M. Ilkow I am concerned about my facility. We don't have any booster pump or pump station and we have not money to build one.

C. Najac The pressure you have now will be maintained as long as the tank is full. They will have water also and the amount of volume will not change as long as the tanks are full. You will notice a different if the tank falls below a certain level. It won't happen. By that time we are taking care of it and maintaining the tank at a minimum level. Nothing will happen to you – you will have the same pressure you have always had – there will just be more volume down the line. The 6 houses they built had to do the pressure pump systems because they are closer to the tank and have less pressure and are higher up the hill. We are not changing your elevation.

G. Lake The volume is not going to change. Your pressure by the time it gets to your house should not change bc of this. The Town system is all tied together with tanks higher and lower than this. The most we can tell you is to call down to the Water Dept and talk to Tim Grogan and he can come down and do a much better job in explaining what that is. Mr. Grogan is the Supt. Of W&S and can answer these questions.

J. Pfau The sewer has 2 alternatives. We have an existing sewer manhole on our property in this area which goes into Hillside and goes out a gravity system to the Town sewer. That is our first route. We are in contact assuring we get our access and allowance – the pipes are in and it's a direct connection into Hillside, down NYS 211 to the trunk line past Goshen Tpk. The plan is to tie into that. Option 2 if this does not work is we have a pump station location plan right here and in that case we collect via gravity and take it to the pump station and pump it up into the manholes. We are not tying into Inwood Condos at all. It is a Town Sewer. The Town Engineer or Supervisor of DPW is having us do an analysis of this. We don't see it creating a lot of flow.

G. Lake They are going from their property to a Town Sewer Line. It might be via 211, or Inwood Rd. Our engineer and their engineer will make the decision which is best. It will not overwhelm the system. The Town System is big enough to handle it.

J. Pfau We have to tie into the water as well on Inwood rd. and will have to do a saw cut. The buildings will be 3 stories.

G. Lake motion to close this PH at 8:23 pm. Tom/Andy 6 ayes. Any problems with Dick's comments?  
(no)

G. Barone The part that Palisades Park was taking status?

J. Pfau It's how it gets recorded at the County level and how we address it. It does not have a tax lot number.

G. Barone We can show it as a SD or lot line change since they are an adjoiner. Before you get your map signed have a deed prepared for them.

R. McGoey You are doing a SD plan anyway make it part of it.

J. Mandelbaum We don't own it – they do since 1969 when they took it by eminent domain in a court case. I don't think you have seen the paper records. A judge said it's their property. we only found a recently we don't own it. They never filed so they don't have a SBL. WE have no ownership at all to SD it.

G. Barone They are looking for a quick claim deed from you?

J. Mandelbaum Not from us, we don't own it. The palisades does since the 60's. in the 80's the family took them to court and they lost to the Palisades. It was found on the title recently by a fluke.

G. Barone Maybe Joe can get me a copy of that decision?

D. Dulgarian This conforms to the development in that area. This applicant is wonderful for the Town and what he has done for the community. I have no issues.

J. Keegan The building ht. is 3 story so they will be similar to the ones on Fortune Rd. It is a needed service in the Town. No issues.

C. Najac It will fit the area. If you do the same job as you have in the past I see no issues.

A. Guattery I concur, Jonah does good work in the Town. The covered pavilion in the center- you might want to consider putting sidewalks from each bldg. to it. None of us are getting any younger and it's a long way. No other issues.

T. Hamilton No maybe we can shorten up the lists of people that need to get into these places. We need it.

J. Mandelbaum As far as Hillside, the president of Hillside Assoc. was here and we spoke. He gave me his phone number so we could contact him before the final layout. I called him before last Wednesday to try to meet with them. He has not replied to me yet. I am going to try and call again in case we need to do the other option. I called a week before as well. I will try one more time.

G. Lake That entrance between the two projects, we would like to see that stay there for emergency purposes. (it is staying there)

J. Mandelbaum We are referencing the sewer tap.

G. Lake Motion for a neg dec/part 3 EAF Doug/Jim

D. DULGARIAN AYE

J. KEEGAN AYE

C. NAJAC AYE

A GUATTERY AYE

T. HAMILTON AYE

2/14/18  
PB Minutes

G. LAKE AYE Motion for preliminary approval to all comments. Jim/Doug  
D. DULGARIAN AYE  
J. KEEGAN AYE  
C. NAJAC AYE  
A GUATTERY AYE  
T. HAMILTON AYE  
G. LAKE AYE Thank you and good luck.

R. Mcgoey You will have to come back for final approval after you get your regulatory agency approvals.

**Crossview Realty 36 lot SD – ext to conditional final – 277 Scotchtown Collabar Rd. (19-1-10 and 3.2) # 16-10**

R. Smithem Ryan Smithem, MNTM Eng. WE are looking to extend the conditional final approval. We are looking to file the maps next month.

G. Lake I'll go thru the board. If you have not had the chance to go thru this SD –it is all blacktopped now and the improvements put in. The road is very nice looking.

D. Dulgarian How many extensions?

G. Barone This is the 2<sup>nd</sup> the first was 2/2017. My comment is they have done so much work they are vested.

D. Dulgarian Down the road does the typical project take 3-4 extensions? 2 is minimal.

R. McGoey They came in for final signature. They are polishing up the administrative things.

D. Dulgarian No issues.

No other comments.

G. Lake Motion for one year extension subject to all comments. Doug/Andy 6 ayes.

**Saddle Ridge SP/SUP & SD –ext. to conditional final – Maples rd. (36-2-67.61 & 22-3-10.) # 49-10**

J. Bergman We have been here a number of times and are seeking another ext. we are missing a couple regulatory approvals – the main one is the railroad. The Developers agreement was submitted to the TB for review and are moving along with that.

G. Lake I understand that. I will go thru the board.

J. Bergman My client owns the property and plans to move ahead. This will be the 3<sup>rd</sup> extension.

2/14/18  
PB Minutes

G. Barone The approval we gave them was a conditional final. When someone comes and gets a final there is a limited number of extensions, conditional final we have a lot more discretion with the number of extensions.

J. Bergman Another big hold up was the DEC coming in and made wetlands that was not mapped by the DEC which changed the project and the approval process. we had to go to the DEC. We were also held up by the Archeological digs we had to do.

No comments from the board.

G. Lake Motion for a one year extension to conditional final – Tom/Andy 6 ayes.

**Hallister LLC – Bloomingburg Rd. (3-1-69 & 7.2) # 08-18**

T. Depuy I represent Hallister and Reardon. They are proposing another bldg. here, this is where their existing facility is. This is part of the overall property. we want to SD this off and make this a flag lot. We have looked at trying to do a private road which is not allowed under the Town code. This is a private road now that has some stuff on it – 3 residences and this bldg. we want to make this a flag lot so we will gain access on Bloomingburg Rd. this is already a flag lot and this will be a flag lot.

G. Lake Your private road that goes in. is that an individual lot?

T. Depuy That is part of the flagpole of this lot. We were trying to make private road at one time.

G. Lake You want to come out with another 25' width here? I'll go thru the board. We do need to refer you to the ZBA.

D. Dulgarian Where exactly is this?

R. McGoey Across from Orange Energy.

T. Depuy He wanted to make this a private road.

D. Dulgarian The one story bldg. exists and you are creating this new parcel B for the purpose of building this building here... nothing else.

J. Keegan Shame you can't come off that private road.

T. Depuy We are still coming out over it – it's the paperwork part of it. There will be a parallel parcel piece here. Maybe you want to send us and ask for a private road option?

A. Guattery What are we doing in this bldg? intended use?

T. Depuy Proposed rental gearing up towards small contractors, something of that nature. Warehousing and storage. There is a lack of that available.

T. Hamilton Dick, coming out he has to meet lot frontage?

R. McGoey      The variance would be for road frontage.

T. Depuy        What about the option of a private road?

R. McGoey      It would be an open area road which would need TB approval. How would that work with the existing residential lots that already front on that and who maintains it.

T. Depuy        We would put these 3 pieces of property in the road maintenance agreement and have this applicant agree to maintain the entire road. It makes it a cleaner option. We can give them the right to go over the road.

G. Lake        That's up to you if you want to approach the Town Board or go to the ZBA.

G. Barone      Take a referral to the ZBA and test the waters with the Town Board in the meantime.

G. Lake        Motion to refer to the ZBA - Andy/Jim 6 ayes. Motion to refer to the TB for open area development with recommendation. Jim/Clark 6 ayes.

MOTION TO ADJOURN.