

Town of Wallkill
PLANNING BOARD MINUTES

April 4, 2018

Members in Attendance: Gary Lake

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

Tom Hamilton & Bill Capozella,

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

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

Belliman Self Storage SP/SUP – Rt. 17k (1-1-45.61) #53-17

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 4th day of April, 2018 at 7:30 pm or as soon thereafter as the matter can be heard that day on the application of Belliman LLC, 27 Colonial Drive, Goshen, NY 10924.

For approval of self-Storage Facility Site Plan & Special Use Permit located at NYS Route 17K & Stone School House Road, Bloomingburg, NY 12721

Also known as Section 1, Block 1, Lot 45.61,

Under Section 249-27.1 of the Zoning Law of the Town of Wallkill.

All parties of interest will be heard at such time and place. I did receive the mailings.

A Laput Fellenzer Eng. Here for the applicant. The last time we were here the entrance to the facility used to be to the right. We were not meeting required site distance so it was moved to the east and it now meets all the site distances for prevailing speed and posted speed limit.

One thing we will need to do is remove some guiderail along by the stream that runs under it. We will replace the guiderail with new along our entrance and along both sides here to prevent anyone getting into that stream. The site slopes high here on the right and down to the left. We are working with Dick to clearly define how the retaining wall will look. It's something called a living wall. It's not masonry or stone. Its silt sock that goes back into the hillside and it grows vegetation – it looks like a vegetated wall. We are close to the preoptic line here so we will look at the depth of any structures going back. We have 10' and are going back 6' so we are not encroaching the retaining wall continues on this side and makes this site fairly flat in 2 areas. This area here is 2' lower. Stormwater will be collected in the driveways with catch basins and there is underground storage that will be serving as a pond to underground structures to post stormwater to meet pre stormwater. One thing we talked about was security and having an attendant on the site. It's not financially viable for this project. We propose a gate and there will be a way to talk to the manager of the site on it. People that are customers will have a fob or a code to get in. If

you are wanting to come in and look at renting here, you will speak to someone on the intercom. There will be cameras and security as well. They will make arrangements to meet you there. The site is lighted; there will be cameras and a security system. There is discussion on how to maintain trash and litter. The owner will be using the same people he uses elsewhere to do the weekly maint. On the site. There is snowplowing and lighting. The landscaping is in accordance with Town Requirements. The rendering on the left shows the larger trees that the PB asked for. 3 ½" caliper. These are new trees and some are remaining existing trees. The finished face of the building will be stone or brick. We are here to see what areas should be stone or brick. We are proposing the outer 3 sides and not the sides between – only what you see when you first drive thru.

G. Lake Motion to open this PH on 7:40 pm. (motion to close the PH was rescinded by tom/Andy 7 ayes) we are going to leave this PH open. Dick's comments – your new driveway – have you spoken with DOT on this –they just replaced the bridge and there is a lot of new work that they just did.

A Laput We have to confer with them on that location.

R McGoey I think it will be a problem. They have drainage improvements in the middle of where the driveway is going in that are not shown on the plan. I don't think they are going to allow it. That rail is there for a reason and meets a State spec on how far the guiderail has to go each side of the bridge approach. When you make a break in that you will violate their standards. Talk to them before we waste a lot of time.

G. Lake That is a concern. I don't know if you need a culvert under that but that will be up to them. Have you notified the F.D?

A Laput Waiting for their comments.

G. Lake I like the arch. View.

A Laput Right now it is shown as brick. The trees are 3.5 "caliber.

D. Dulgarian I still have some issues with this application. I feel it's ambitious with the amt. of bldgs. Part of the reason is where it is, how it sits on the stream, I still have some unknowns like the pervious pavement. I'm not convinced it works up here. I would like to see where it is now up here and it works. How is it treated underground before it's dumped into the stream?

A Laput We have underground chambers that provide storage like an underground pump. We have 2 concrete controlled structures...

D. Dulgarian What about the salt that is used during the winter, is it treated, separated?

A Laput It's done per the DEC stormwater requirements.

D. Dulgarian Dick, with a pond there is silt, grass, with these holding tanks is there anything that restricts what comes out?

R. McGoey It meets the DEC standards. Maintenance is going to be a headache.

A. Laput It's under the driveways so there are catch basins all along the way. If it had to be backed out we could access from the catch basins. This would work by the SW ending at a catch basin and it has to travel thru the chambers underground – it passes thru before it gets to our controls. The length it has to travel to here is part of the treatment.

D. Dulgarian The size, the ambitiousness of this...the property next to it, how high up does it have to come where you encroach?

A. Laput We are maintaining the existing grades here until we get to that retaining wall.

D. Dulgarian Is there a retaining wall between the 2 properties between that 6- or 10' that you have to have there?

A Laput No, the wall is at 10'. It drops 8' in most cases. This property is higher. This is 12' higher than the driveway here and the retaining wall.

D. Dulgarian I have concerns on snow storage and most of it is up against the fence. Someone will push it up the fence and kill the landscaping. There is no room for any kind of movement on the property. Every square inch is taken. I see a lot of issues.

J. Keegan Looking at this the bldgs looks nice; the use fits the ENT L zone. My concern is that we have some of these in Town and we already told you our concern with not having an office there. they are not kept up and I don't see how you can lease a storage unit this large with an intercom and camera system. The ones with offices on site are nice and clean. Without – they are not. That is my main concern.

B. Capozella I didn't notice no outside storage listed on the plan?

A Laput We have agreed there will be no outside storage. It's shown on the plan.

B. Capozella Are we listing the proposal for security on the plan? Not that we are accepting it but shouldn't it be on the plan? It's been an issue. At least some reference to the fact that you have this system you are going to be using. If we get it on the plan it's better than not having it. We really want someone on site. At this point we have not agreed to what is going to be there. if he is proposing this I would like to see it on the plan.

A Laput Maint. Or security agreement.

C Najac I agree with all these issues. I'd like to see the samples and hear about them.

A Laput this is the pervious paver. It is also made of a polyethylene and looks like part of a tunnel. This is the paver we are talking about. This would have 8" of stone underneath and ¾ stone in the chambers. you won't get the clogging, this is loosely packed and it will pass thru. When it lands on this it will go straight underground – it's sized like an outdoor pond – it's the volume needed to hold back the peak flow.

C Najac 8" stone under that – so that with the 2" on top and there are tanks/chambers underneath?
What is the volume of the chambers.

A Laput on c401 there is over 19,000 cubic feet on that west sub basin. In the east its 30,000 cubic feet.
It's pretty good sized pump. That is the treatment - the water that travels thru these chambers, some will travel in the ground as it travels, and drops out.

C. Najac Where will the salt go?

A Laput We are doing what the DEC requires and should be able to discharge that.

A Guattery These culverts run underneath each driveway – how wide are they? (little more than 2') What are we doing to control the water coming off a 12-14 or 20 wide driveways to get into a 36" wide culvert. Are we allowing whatever passes thru the ¾ stone that is not over the culvert to head for the ground? Anything over is going in the culvert?

A Laput It would be pitched directly..

A Guattery so groundwater can be absorbed.

A Laput The chamber is 51 inches wide and the bottom goes right to the soil water..

A Guattery Dick – we have 50' rear yard setback to property line, is there a setback to the wetlands/floodway? There is nothing listed.

R. Mcgoey If it was a DEC wetland it would be 100' – Army Corp has nothing.

A Guattery WE know we have a problem with compacted wet snow. We know we are in a portion of the country that the standard tables that come for planning don't work up here. we have more snow that is heavy and wet than fluffy. My issue with this design is that the snow storage calcs areas, 1, 2 ,3 & 4 are trees and are not plowable into there. 10-18 we are plowing to the fence. This will be packed solid with snow, fences are coming down or loaders are coming in to move it. 5, 6 ,7,8, and 9 are fine – they are grass. I agree with everyone about the entrance and the bridge. The gate you are proposing is going to be right there at the snow storage section 19. This gate will have a remote office to open the gate. When there is no one on site they don't tend to look clean. You are talking about stone or brick on the façade of the bldg. the east, north and west sides ? What will the rest of the bldg be? (metal). Ok so brick on what we see only. That would not look horrible. We need to wait and hear more about the driveway.

T. Hamilton The pavers, there is stone underneath with a smaller tone and a larger stone at the top. Do you think the plows won't hit the plastic hoops on there. if he catches them as he goes by and picking up the stones and breaking the plastic.

A Laput They have installations at Rockaway Mall.

T. Hamilton that is further south where they don't get the snow we get. Also, with the cold spells with the frost and heaving and everything else.

A. Laput All the stone is able to drain so you won't have water sitting.

T. Hamilton How deep do you think the frost went this year? More than you have in stone. Coming in the driveway you have a fob to open the gate? (yes or a code) What about the bldgs entrance to your rental?

A Laput They can be coordinated with the entry code so only your unit will open. We will have the attendant in Monticello or Wyde Lumber or a local security company.

T. Hamilton Is that an electric lock? I had one with a key to get down at the gate, my door had my lock on it which I had to open. Once it went up they were indicated somewhere that someone was in that unit. Anyone can come in, cut the lock and get in without security.

G. Lake We are going to leave the PH open and table for further comment until you get back to us with the NYS DOT driveway entrance decision and then we will put you back on. I am not open to conditional final based on the questions the board asked you tonight. Get more detail and satisfy their questions. Listening to Dick and his experience with the NYS DOT – they did a lot of money on that bridge and closed the road down while doing it so I would like to make sure that you can make it work. You are not going to do anything until you get a letter from them. I'm asking you to waive the 62 days – (Amador Laput- yes). Motion to table Andy/Clark 7 ayes. Thank you.

Deerfield SP/SUP – Final Approval - Inwood Rd. (44-2-42.2,43,25.1 & 25.2) #105-16

J. Pfau Engineer for the project. I'm representing Mr. Mandelbaum. We rec'd preliminary site plan approval and a neg dec. since then we met with Mr. Mcgoey, Mr. Ingrassia and responded to all the comments. We have the hydrant testing scheduled next week. Once we do and have the test results we will be making appl to the OCDOH for the water approval. We have also met with Mr. Ingrassia bout going thru the details for the pump station design and there are 2 alternatives that are still on the plan. One with the pump station and the other is direct gravity route into hillside. We have given him the president's HOA contact info and he will try and reach out to them as that is his preferred route. We scheduled flow monitoring in some of the existing sanitary sewers. We know exactly which manholes we will put the monitoring info in and he is satisfied with that. We have the as built info on that. Those are the 2 key remaining issues that we have no issue with.

G. Lake The bolt down manhole – is that where the pumps are?

J. Pfau No that is for the termination manhole. That is a proposed manhole.

D. Dulgarian WE have seen tis a long time. It's improved quite a bit. No issues.

C. Najac the sections in the front where you propose future commercial, will that make it to the gravity sanitary sewer?

J. Pfau No that is far below. It might tie into the existing force main that runs in the front. We could share it or have a separate one.

C. Najac I remember asking that no one tie into that force main.

J. Pfau If it doesn't work hydraulically we would put another in.

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A Guattery I just want to bring up the covered pavilion only having one sidewalk between 1 and 5 – remember we have 200 seniors- get sidewalks in between other buildings.

J. Pfau I'll put that on the plan.

G. Lake Motion for final site plan/special use approval – Doug/Jim 7 ayes. Motion for SD approval subject to same. Andy/Clark 7 ayes.

27 Howells LLC SP/SUP- 27 Howells Rd. (49-1-87) #28-18

D Yanosh I'm here for Max Gonzalez, 27 Howells rd. 2.9 acre site subdivided back in 2006. Still owned by Steve Matulla who owned the bldg. next door for years. WK Mech is next property to the South. 5 L is to the north and Mr. Gonzalez is a sole proprietor/electrician with one helper once in a while. He is looking to put up a bldg. for storage equipment – lifts, backhoe, and bucket trucks. Some inside- 60 x 50 pole barn to throw it inside.

G. Lake All the trucks inside? (yes) No outside storage (correct).No problem with Dick's comments?

D. Yanosh we will look at them – we will look since there is no one in there to see if it's ADA compliant. He is an electrician so we will take care of the lighting. The septic was approved in 2006. We have a letter from KC that accepts that. There is no office so I don't know if he needs it or not – he lives around the corner. We are working on site distance and also located the trees and 5L encroachment is not on the property. We will work on drainage across the street.

G. Lake No restroom right now, no water? (no)

D. Dulgarian HVAC business we just approved is next door? (yes)

A Guattery No fuel storage or oil etc? (no) Stone driveway – that's nothing. I'm good.

T. Hamilton If he maintains his trucks it will be done inside the bldg? (yes)

No other comments from members.

G. Lake Motion to set a PH for 5/2/18. Andy/Clark 7 ayes.

Resource Recovery Center SP/SUP – (sketch) 68 Crystal Run Rd. (78-1-17.1) #31-16

G. Lake this is here for informational purposes only – no action will be taken tonight.

G. Jacobowitz Attorney for the property owner and the applicant. Present here with me are the principals of the property. it's Neal Zerkowitz, his brother Jess and Darren Gable. They have been the owners of this facility for more than 30 years. They have been employers, taxpayers and business folks here in the Town of Wallkill. The other two gentlemen are the family members who have an interest in this property. Also here is Donna DiPaollo who will speak with you. She is the designated chief officer of this facility. She is well experienced with this type of facility and will try to explain what this is all about from the operational standpoint. We have a site plan application submitted that we now have a special permit use application for a hospital use. Hospital is a word defined in your ordinance. We believe we fall within the definition. To eliminate some confusion of the chapter 160 residential community treatment facility is not what we are here about with you. That is a TB matter and the

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TB has told us they don't believe we are entitled to the benefit of that law. In the package of materials you have there is something there that we gave the TB because we thought it would be informational for you and relevant to your understanding what this facility is all about. We have submitted the application, the fees are paid and there has been some comment that we were trying to go in the back door because we didn't come to the Planning Board. I want to dispel that. we were at a worksession on 5/9/16 and 9/29/17 and 3/12/18. We have never thought PB was not going to be involved in this. Some rumors are out there that I want to dispel because they are not true. All of the communications that we have had with the Town we have always copied the PB. I'm sure you will find copies in Marylynn's file of all kinds of things. Many of those I have attached to your package that you have. They are relevant and notwithstanding that they were sent to the TB, it's important for you to have the benefit of. What do we want to accomplish? We want to be able to establish to your satisfaction that our use is a hospital. We need to have SEQRA Lead Agency determination made and intend to follow the procedures for special exception use and for site plan as well. Part of the package you have is a narrative where we address each of the special permit standards and try to point out how they will be satisfied. We expect to get review comments and have 3 times at worksession. Most recent ones that Dick provided us for the 5/12 meeting, you have the responses in writing as part of the package you have. We expect to get more comments and questions and welcome them. We will make comment and try to satisfy your concerns and issues. we will hopefully get to a PH which is needed for SP/SUP. The application is thick. I apologize in one part but not too apologetic because this is one of those projects where the use and operation of the facility is more of interest than the physical layout and is also compounded by the fact that there is already a building there, parking there, access and drainage and lighting and signage... we don't intend to make any significant physical changes to the site. The building will not be altered on the exterior at all. It is ideally situated and adapted for a facility of the type we are talking about. It's got a conference room, kitchen, 2 swimming pools, guest rooms, reception area, dining area and is uniquely set up for this kind of facility. Those issues are not that important here. it is the use of the property that seems to have caught everybody's attention and focus. We want to be able to provide you with answers to that. what we are talking about is a hospital that is designed to provide medical assistance, detox and rehabilitation for people that are addicted. As soon as you say that, it is like a slaughterhouse or junkyard and gets emotions generated about it. You have to be more surgical here in the analysis. There is all kinds of these facilities and the one we are proposing is a definitely a milder, much less of a threat of any kind to the community. In addition the regulations that apply are substantial. There is a 174 page policy manual – pages 1 & 2 are in the package I gave you. That manual is available to see the detailed operational requirements for admission, treatment rehabilitation, and medical treatment and for discharge. I am trying to give you some of that here. there is more and I'm sure you will have questions and we look forward to giving you the information. It will give you a comfort level that what we are proposing here is a good project and needed. We told everyone that has been contacting us not to come tonight, there is no need to come at this meeting. It is administrative proceeding to listen, read and question. There is no pressure put on everybody. There is a mob of people in the community who are very interested in this. The

TB had scheduled 2 PH which got cancelled. There were many, many people that had planned to attend to voice their opinions. That will happen when we get to that point with your board. We will hear from the public about their view of the facility in their town. I would like to introduce to Donna so she can give you more detail with respect to what this is all about so you can hear it direct.

Donna M. I have been in the field of addiction for 28 years. I am in recovery for 31 in November, from heroin. It's taken me to places I don't want other people to go to. I have been in the addition field in Brooklyn, Staten Island outpatient facilities and one detox. My stepson died of an overdose at 22. I met Jeff and Darren and we decided this is something the Town needs with this epidemic and the governors' task force I was on agreed it

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was something that was needed. We felt that the Holiday Inn is a perfect place and where it is located as well. We are providing health services in patient. We are not doing outpatient services as your Town has them already. We would rather collaborate than be in competition with people. We will be staffed with Doctors, RN's, LPN's and nurse practitioners, LSW's, psychiatrists, doctors, PHD's, nurses' aides. We are planning a 24 security company in and have 5 security guards walking around the bldg at all times. There is a lot with addiction that people have this stigma. I feel that a few of the things I would like to talk about are that I have been asked if we are a methadone clinic. No, we are not. We are not signing contracts with unions in NYC to bring NYC here. we will bring people from areas and will not refuse anyone but our purpose here is for Orange County. We will be a supervised detox which means it's mild to moderate detox. It will be a nice place to detox with no pain. There will be groups and individual. When they feel better they will go next door, same bldg. to rehab. This will be 15—28 days to hopefully get them a place of feeling better about themselves. This is not the only treatment they need, when they leave they need other treatment which we will find – we work on discharge. They will not be allowed to leave into community. They will be picked up a van and driven back to where they want to go. They will not be “dumped” into the Town of Walkill or Middletown. It's a volunteer program. Anyone that wants treatment and comes to our door. We are not taking mandated clients. If you know anything about treatment that means a lot. We are not forcing anyone, it's an open door policy. As the doors will be locked as far as people leaving, they have the fire doors that the alarm will ring. When someone wants to leave the team will be with them. We are here for the community. I hope to answer all questions. I went to Catholic Charities today, I went to REHAB and Honor and they all gave me a letter of MOU. The treatment we have, they don't have and vice versa.

G. Jacobowitz I know in one of Dick's review letters he refers to the appropriateness of council relying on the some of the legal issues. we have a memorandum of law that we have prepared and I know Tad is a fast reader but not tonight! We have added some things to it when we decided not to give it to him tonight to have a chance to see what we are saying and feel we are entitled to be treated as a special permit use as a hospital under your law. We will have the memo to you by Friday.

G. Lake As you know, myself and Vice Chairman Hamilton have made all the meetings you had before the TB. We kept this Board up to speed as well as we could. Because of the holidays, spring break and such it has been hard since last week when I just found out the TB decided not to act. I know I was waiting to hear what they did to decide what action we had to take. The Supervisor has been away and no official word came back to us until I got an answer today. They felt it was in the wrong spot so my Board has not had a lot of time to turn around and digest all this. You just now threw in why you feel you can call this a hospital. I didn't think that is what we were going to be calling it. The first meeting with you guys we didn't know where you were supposed to go. I appreciate it and I know the Board only got the packet today. They need some time to go thru it 100% and digest it. I am going to instruct them as they go along to call into Marylynn and leave it on the machine etc, compile a list of things We will need to iron out our direction. You caught me off guard saying hospital tonight. I think we need Mr. Barone and Mr. McGoey think about this and return to ws. We will go from there. Does the board have anything else tonight?

D., Dulgarian WE have a lot of information to read and get up to speed. I would like to wait for counsel to recommend our next direction. Nothing at this time.

J. Keegan Looking forward to review the packet and will have add'l comments.

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B Capozella In all fairness to the applicant and to the board members we have a package this size to review and it would not be fair to comment at this time.

C Najac I agree, after we review the packet.

A Guattery Yes, a lot of info to go over, nothing at this point.

T. Hamilton Make sure Tad gets the info from the applicant and he can work his side of it. Right now we have no clue on how the main part will be handled.

G. Jacobowitz Your suggestion is fair and reasonable and we have no objection to it. We want to cooperate with you and help you do your job.

G. Lake I'm encouraging you to send in any comments to Marylynn and we will get them to Tad and go over a worksession

G. Jacobowitz Set up a worksession now?

G. Lake Call later in the day and I'll look at the schedule for extra time. I would like at least an hour or 1..5 hours.

T. Hamilton Make sure our attorney has time to get thru what he can before that.

G. Lake I agree. Thank you. Motion to table for further action. Tom/Andy 7 ayes.

MOTION TO ADJOURN.