

Town of Wallkill  
PLANNING BOARD MEETING  
November 2, 2016

Members in Attendance: Gary Lake, Jim Keegan  
D. Dulgarian, C. Najac, A. Guattery, B. Capozella  
Absent – T. Hamilton

Also in Attendance: Dick McGoey, Consulting Engineer, Gardiner Barone, Esq., PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

G. LAKE Welcome to the Town of Wallkill Planning Board meeting. There is one public hearing tonight – if you would like to speak, please fill out a blue card and we will call your name.

PUBLIC HEARING

Christian Faith Fellowship: Site Plan / Special Use Permit M&M Road (14-1-29.1) # 60-16

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 600 Route 211 East, in said town on the 2<sup>nd</sup> day of November, 2016 at 7:30pm or as soon thereafter as the matter can be heard that day on the application of CHRISTIAN FAITH FELLOWSHIP, INC., 510 M & M Road, Middletown, New York for approval of site plan and special use permit for a 6,000 SF sanctuary addition located on the southeast side of M & M Road 520 feet southwest from the Intersection of M & M Road and New York State Route 17M, Tax Map Parcel Section 14, Block 1, Lot 29.1 under Sections 249-39 and 249-40 of the Zoning.

G. Lake The mailings were reviewed and filed for the record.

T. Depey Tom DePey, T.M. DePey Engineering and Land Surveying, P.C. - I am representing the Christian Faith Church. As the public hearing notice states, we are seeking a 6000 S/F addition on rear of the sanctuary building and relocating small shed on other piece of property near the baseball field. The 6000 S/F basically is being added to rear and require us to relocate air conditioning units, revamping parking in back and lose some but the church agreed to if parking becomes an issue - to bus in from adjoin property.

G. Lake Motion to open the Public Hearing at 7:28 pm.

- G. Lake This will remain open until 7:30pm.
- G. Lake There were three comments from the engineer.
- R. McGoey 1) *Site plan show dimensions for new drive thru aisle including width and curb radius* – these will be provided on the drawing.  
2) *A sewer trench detail should be provided for installation of the new sewer lateral* – no problem with that.  
3) *Board should discuss use of the structures located in the parking lot off the end of the garage. It appears to be some type of storage structure and/or trailer -*
- Applicant there is another storage shed there and getting rid of that. it was temporary unit for some golf carts.
- R McGoey Put on the site plan ‘to be removed prior to the C of O’? – yes.
- G. Lake Board comments – directly behind center of the main, or first part of structure that was done.
- D. Dulgarian No issues, it is really nice out there and doing a nice job and don’t see it impacting anything and is a minor change; no issues.
- J. Keegan No issues.
- B. Capozella Last time there was a Public Hearing we had a lot of residents and not a single person now and you must be doing a good job or someone would be here complaining.
- C. Najac I agree with what Bill just said; no issue at all.
- A. Guattery No issues, take really nice care of the place. It is great.
- G. Lake Any comments from the Public? (No).
- G. Lake Motion to close this Public Hearing at 7:32pm; 2<sup>nd</sup> (Dulgarian), (Guattery)
- G. Lake We have not received any written comment.
- G. Lake Motion for Negative Declaration for Part 3, EAF, subject to comments; (Guattery)(Najac).
- D. Dulgarian Aye

J. Keegan       Aye  
B. Capozella    Aye  
C. Najac         Aye  
A. Guattery     Aye  
G. Lake         Aye

Motion for site plan / subject to comments from the Neg Dec (Guattery) (Keegan)

D. Dulgarian    Aye  
J. Keegan       Aye  
B. Capozella    Aye  
C. Najac         Aye  
A. Guattery     Aye  
G. Lake         Aye

G. Lake                    If anything comes in, we will have Mr. McGoey get a hold of you.

#### REVIEWS

##### Napolitano Office Building / 468 East Main Street (77-1-2, 3, 4) # 67-16

G. Lake                    Joseph L. Fucci, Architect – my client is Dr. Napolitano is proposing another office building similar to other 3 he has built at 466 East Main Street. That is what it will look like. The proposed site plan (copy filed).

R. McGoey                This application is also lot consolidation and when Board acts after the public hearing – keep in mind it is a lot consolidation. I do have a lot of technical review comments none of which are issues. There are two (2) I would like to review tonight:

- 1) Encroachment of garage of the rear property line
- 2) Drainage ditch leaves the site onto adjoining site and then comes back to a 12 inch culvert towards the street.

J. Fucci                    As far as the shed – it encroaches on Dr. Napolitano's property – If necessary stipulate – you will notice 2 back property lines (map and actual deed which sets the wall – willing to stipulate the wall is the boundary and not an issue.

G. Barone, Esq.           Have you had communication with the other property owners?

J. Fucci                    No.

G. Barone, Esq. In the rear? As far as them signing on to boundary line and paper it up so it is a matter of public record with the Country Clerk.

R. McGoey Drainage.

J. Fucci The most of the drainage is down the driveway and was discussed at the work session and proposing a trench drain towards bottom of the driveway and pick that up and bring it to the storm drain. Water on right side where it goes into natural or built – already existing swale – proposing to alter two of rear contours to let water be director into existing swale. If it is issue with the neighbor – bring it to them.

R. McGoey Any recommendation?

G. Barone, Esq. Approach the neighbor with the minimum for joint control of the culvert and want a maintenance agreement if it is blocked, collapsed and that you have right to go in and repair and preserve the water flow. Record it with the County Clerk; there is a 2 page document sample I can send to you.

Dr. Napolitano I know her well, she is a patient of mine and it is not an issue. I will let her know what our intensions are. I am willing to maintain it.

G. Barone, Esq. If the sells it – so it would not be an issue.

G. Lake We need an agreement on file when the parties present are not around, or sell or whatever the case may be – it is black/white so no fight later on. So to come down that side, if you need an easement that Mr. Barone is recommending, we will need that cleared up.

G. Lake You said trench drain along the front / side?

J. Fucci A trench drain.

G. Lake Where will that go? What will happen when it fills?

J. Fucci Into the storm drain.

R. McGoey Where will it cross – across the driveway?

J. Fucci It would go across the driveway here (looked at the drawing) and I have drawings and to the catch basin and storm manhole right there (looked at drawing).

R. McGoey You will have to speak with the OCDPW to tie into their drain and may need a permit.

G. Lake                            There are also a significant number of trees on that site – are you going to preserve any of those trees?

J. Fucci                            I do have a note on here to preserve as many as possible. I have delineated five (5) large trees (14" in diameter) to be preserved where possible and also whatever can feasible be saved.

R. McGoey                        That should give you a natural buffer.

J. Fucci                            Only concern is changing some of contours if the trees become impacted by soil and may die anyway.

Dr. Napolitano                 They are big pine trees and don't know if the big ones will interfere.

J. Fucci                            Some don't fall within the building permit, some do fall and some do fall where parking will be. Where they are talking about is right property line.

Dr. Napolitano                 In addition to the trees along property line also a lot of brush that acts as a buffer and in favor of preserving that. If you look at my property at 22 Lincoln Terrace I try to keep as much of natural shrubs around the property it looks nicer.

R. McGoey                        There will be a work session before the hearing to discuss these issues.

G. Lake                            There is a landscape regulations will be pointed out.

G. Lake                            Any comments from the Board; a Public Hearing will be set tonight.

D. Dulgarian                     Will there be a retaining wall in the back?

J. Fucci                            I don't think it will be necessary – short area which will have a little incline to it, if it requires a wall we will.

D. Dulgarian                     You have a 20 foot difference between the front and the back of the property.

J. Fucci                            Yes.

D. Dulgarian                     What is elevation of parking lot?

J. Fucci                            Back of parking lot is 4 feet or 2 feet below the highest grade of the back of the property. Or 2 foot distance over about 10 feet.

D. Dulgarian                    You will have 18 foot difference between the front and back of the property?

J. Fucci                            Between the front is 20 feet and is existing.

D. Dulgarian                    Keep existing topo?

J. Fucci                            No, there will be 10 foot rise between the front and back.

D. Dulgarian                    So you would have 12 foot difference in the back.

J. Fucci                            From back of the building to back of property is 10 feet. Also note retaining wall along perimeter of the driveway – while one slope goes up slightly toward the building so back parking lot will be flat – or 6 inches front to back.

D. Dulgarian                    I like that.

G. Lake                            Like building across the street where you enter one level and go around back at different level.

J. Fucci                            Same building but in reverse.

D. Dulgarian                    They don't have to retain water on property even with blacktop.

It was discussed before hand because it is under 1 acre threshold and R. McGoey will tell you...

R. McGoey                        Under one acre, he does not have to treat storm water but this Board's practice has been to retain any increase flow unless downstream county storm drain can handle the floor. Their engineer's will have to show us it can handle additional water.

J. Fucci                            We are taking existing basin and putting it 2 feet deeper so retain some water.

D. Dulgarian                    My two concerns is topo and storm water run off. You have done a good job in that area and am sure it will look great. But storm water running down stream there is a big deal. Trying to picture height in back yard as it does get quite high.

J. Fucci                            Look at site plan drawing it has profile down on the bottom with per cent grades.

J. Keegan                         Also concerned about that until he mentioned way building laid out – one level and around back parking lot and will alleviate problem with stairways and grading. Same exact design as picture.

B. Capozella I am fine for now.

C. Najac Similar to what he has done with other two buildings and seems to work out very well.

A. Guattery Everything looks good.

Dr. Napolitano It is simple design building, tenants like a lot of windows in every room and makes a big difference.

G. Lake (to R. McGoey) He has to go to Orange County before public hearing about the retention basin and prove out that it can handle the additional flow and something back from the County he can tie-in.

G. Lake With all the comments, you need to get them back to a work session on December 7, 2016. You can be ready by then?

J. Fucci Yes, 90% have already been addressed.

G. Lake That will give you time to get to the County, get letter from them and about the curb cut from the OCDPW as it is a County road.

J. Fucci Do you need that before you approve this?

R. McGoey You can get permit between final approval and signature of the plans but need letter from them

G. Lake The curb really dips down there.

Motion to set a Public Hearing for December 7, 2016 (B Capozella) (A Guattery); All infavor; Opposed (none); Motion carried.

G. Lake Call in to get on the work session calendar and then see you on December 7, 2016. Thank you.

Middletown Acres, LLC (Kline Daycare) SP/SUP Fortune Road East (41-1-94.12 and 94.3) #15-02

G. Lake Name for the record

Larry Marshall For the applicant. It has been several months since we presented to the Board and to refresh it is a two-part application: 1) proposed 2 lot subdivision of 4.2 acres off parent 22 acre parcel. Provided subdivision plan with the Lot #1 containing the proposed office and day care and Lot #2 vacant at this time. We do have a sketch plan for Lot #2 and previously shown self-storage buildings and they don't intend to build at this time provided purely for demonstration of what on parcel only. Sketch plan for proposed Lot #2.

Lot # 1 is revised site plan to show potential development of 13,800 S/F office and day care use; exact division not yet certain no tenants for the building and they are preparing on speculation for tenants. We do have access off Woodstock Lane up into the parking on south side of proposed building and turn around for drop off area for parents dropping off children for day care center.

One comment from last board meeting was having the play area close proximity to the building and shown it in southerly most corner of the parcel and would have children walk across parking area – we moved it up directly south of end of the building and nice area. It will be delineated on 3 sides – 2 sides by retaining wall and 3<sup>rd</sup> by building and this small fence to enclose the entire area. We have provided lighting and landscaping plans for the Board's review and don't know if you received. I sent over rendering schematic and do have copies if you would like. (provided copies for the board).

G. Lake Will the lot be this flat?

L. Marshall No. When the grading done it will not look too dissimilar and different in the rear.

G. Lake Any room behind or will it be built into the hill?

L. Marshall It will be built in to the hill, obviously roof line will project above that retention of soil and then have small swale along back side. Retaining wall off left/right sides of the building.

G. Lake Driveway out to Woodstock – will you be able to achieve negative slope coming out on the road?

L. Marshall Yes, catch basin at the entrance.

G. Lake I mean hills – it looks like a little bit of hill going up there.

L. Marshall Yes, a very defined ditch now behind curbing on Woodstock. We are actually going to cut into the hill to put in sidewalk and sliding the entire swale back and that will cut hill back. Then have negative pitch. We can provide a profile.

G. Lake The DPW when you go for curb cut will ask you that.

L. Marshall Yes, we have provided catch basin with proposed culvert and what ever detailing as far as that.

G. Lake: Quite a bit of water comes out of that hill especially during the winter – the whole sidewalk in front of the park where we have had 2-3 inches of ice in previous winters. A considerable amount of water comes out of there so when doing grading and research, and mentioned to other applicant, they thought they may need catch basin over that way to do something – it is situation that does prevail there. Water comes literally running out of there.

L. Marshall We have proposed catch basin on back side and currently small pipe juts out back side that DPW put in a few years ago. We have proposed dedicated catch basin in newly formed swale behind sidewalk. If there – we believe it is adequate – catching substantial amount of water coming down hill and directing it to storm water system – we have to treat and maintain. This park area certainly should not see any...

G. Lake ...it's a natural thing – mother nature decided when there is extra water that is where she dumps it out.

L. Marshall Based on the grading and diversions of water above you will naturally see less water in that known problem area. Have shown improvements of catch basin.

G. Lake What the Town has helped a great deal. We want you to know about it.

R. McGoeys Comments – couple of things: does the owner have problem with giving 25 foot gratuitous to center line of Woodstock (surprised it goes to center line of Woodstock – fairly new road). Board take look at extent of sidewalks which goes along Woodstock to the intersection. The rest of the items are pretty standard. Any problems with them?

L. Marshall No, sidewalks were discussed at previous meeting and we have shown a sidewalk connecting existing sidewalk that goes into the park along westerly side of Woodstock Lane and crosswalks installed across Woodstock, Fortune Road East and Placid Avenue to interconnect sidewalks on those three roads. Not shown sidewalk up southerly side of Fortune Road East – that was senseless.

G. Lake We talked about it and as long as hooked across street and up that would suffice. It is quite a run for one building.

L. Marshall The off set intersection of Placid and Woodstock will be improved with proper accessible ramps and cross walks.

Board Comments:

D. Dulgarian                      Nothing at this time.

J. Keegan                          Happy with sidewalk with way it looks – where cross walk is it is big turn coming down the hill big turn coming down the hill and see it and cars come flying down and make sure the site line if people can see in the crossing in that area are clear. Something – people whip around the corner and if cross walk by where sign is they will have to come to direct stop. It is a great design.

B. Capozella                      I am curious about traffic flow – you have little loop. What is the plan.

R. McGoey                        Ordinance requires drop off area.

B. Capozella                      Will there be one way or 2 way to go into the loop. We don't see the arrows.

L. Marshall                        Not wide enough for 2 way. We can add arrows and is a great suggestion. We can add arrows – intention is for parent to pull in, make a right into the loop and wait their turn and stack through there.

B. Capozella                      I thought that was what it was.

C. Najac                            It is much nicer plans than we have seen in the past and have seen different buildings in here and it will step out hillside. You looked at the drainage issues there as well/

L. Marshall                        Swift plan has been submitted to Mr. McGoey's office.

C. Najac                            Like bringing sidewalk out to intersection area – will help.

A. Guattery                        Much better you moved play area over and fits a whole lot better. You have sidewalk is great improvement. Question on traffic circle – how big is it.

L. Marshall                        Inside radius is 28 foot radius.

A. Guattery                        Do you think that is big enough – only reason asking picturing little kids not car pulling up and kid heading out and we have time involved. Good idea to take northern side sift it further north towards entrance to circle – teardrop shape. (looked at map). Get bigger queuing area. People not pressured to get out if cars are backed up waiting to get in there – they will double park in front of each other.

L. Marshall                        We have retaining wall and stretch this out (drawing) stretch it out to make more fluid entrance.

A. Guattery                    Coming off curb straight into drop off area and tear drop and may be good idea to explore. Great use of the property.

G. Lake                         Good use of the property and nothing to add. It has been back and forth several times.

G. Lake                         Work session to be scheduled and Public Hearing for December 7, 2016 (A Guattery) (C. Najac).

G. Lake                         Call Mr. McGoey for work session scheduling.

Stewarts' Site Plan / Special Use Permit County Road 78 (69-1-64.3) #49-16

G. Lake                         Site plan review to set the public hearing.

Jay Samuelson                Representing Stewarts site plan. In August we present the project and were required to get a variance for a canopy in front of the main structure and subsequently withdrew it as they when the Town passed a local law to exempt canopies. We are back to reintroduce the project, start seqra progress and remind the board what we are doing. We are at the intersection of County Rt 78 and 11 and parcel is 87 acres in size and cutting off 2.2 a acres parcel at the at intersection of 78 and 11 for a Stewarts shop that will face the intersection. Currently proposing 2 entry access points – one of County 11 and one off 78. Since here last, relocated entrances. County 11 straddles property line and actually entrance on County 78 is north of property line. Reason moved them to provide, originally both on the property line so at future date if someone develops remaining part of the land they have access already and don't need future curb cuts in county road. We move this one actually further north to avoid a utility pole rather than relocate pole and went a little bit past it.

There is interesting grading on the site – 30 ft from one entrance to other in height. We will come down to flat area where building/pumps are and then down again to County 78. Significant grade change across the site and have proposed couple of retaining walls not higher than 4 feet so nothing major. Storm water in front. From the intersection building will be 10 – 12 ft below the intersection which is significant drop. Almost looking over top of the building. We have done – started some engineering and have some in, grading and utilizing and have to finalize our split, finalize landscaping and lighting and have R. McGoey's list and get back on work session to address those. Is there any one you want to discuss.

G. Lake                         Driveways that go off the property – all cross easements you will provide us?

Jay Samuelson                We wil go over cross easements with current land owner so both Stewarts have right to use them and current land owner to use and their successors.

G. Lake                               Have 4 aisles for gas?

Jay Samuelson                   Four (4) pump stations – on an angle so when pull in you'll be on 45 (degree angle) on each of them. They are separated by 25 feet and each canopy height will probably based by grade be a difference of 2 – 3 feet in height between the two isles based on the grade.

G. Lake                               You said 'from the road' – okay, 30 feet though?

Jay Samuelson                   From one side to other is 30 feet we are sure of.

G. Lake                               Wondering what your visibility will be.

Jay Samuelson                   I stand corrected, the elevation of first four and intersection should be a foot lower.

G. Lake                               Building will be visible. We want to visualize what you want to build and can't see.

Jay Samuelson                   30 foot elevation change from intersection to intersection.

G. Lake                               The building – is it newer models. Do you have picture.

Jay Samuelson                   We submitted it with our original application. One recently constructed in Albany area.

R. McGoey                           Here is a copy for the Board to look at.

Jay Samuelson                   Not old style with entrance on the corner – but entrance in the center with big canopy roof in front. Newer style, brick face on the front and side.

G. Lake                               Your landscaping – they will do a good job I am sure – always felt the one corner here and from long ago – it always looked very nice and know at one time wanted to add pumps a concern is doing away with the red maple trees 15-20 years old now. Hope they can dress this corner up as well as that one.

Jay Samuelson                   We will have of conversations because right of way is significantly large on County Rt 78 and a lot of scrub and speak with County about cleaning that up.

G. Lake                               If we can help you with that aspect, surely I think the Board will agree we can help you with a letter or something you get that cleaned up. That is a nice entrance to Tower Drive and is always well kept. Red maples are nice as well.

Jay Samuelson                    We have submitted the plans to the county and DPW but have not heard back from them.

G. Lake                            You will not have problems with Mr. McGoey's comments?

Jay Samuelson                    No.

R. McGoey                        # 3 – attorney weighing on the comment regarding 'joint use of driveway on common property'.

G. Barone, Esq.                    The County will not want a lot of curb cuts on to the road so establish some common entrance.

Jay Samuelson                    They asked us to do that on 12<sup>th</sup> Rock project to move it so to straddle that property line with cross easement so line up on Pocatello Road.

G. Lake                            Assuming water from the City of Middletown.

Jay Samuelson                    Yes, sent copies with agreement today, signed by the supervisor, mayor and property owner.

G. Lake                            What about sewer?

Jay Samuelson                    Yes, water and sewer from Middletown. Water/sewer agreement is for entire parent property and 5 acre parcel in back. Limits of total gallons but more than either or the other project will use.

G. Lake                            Comments from the Board.

D. Dulgarian                      Nothing at this time.

J. Keegan                         Nothing at this time.

B. Capozella                      Concern as before, that corner and traffic and type of businesses, i.e. AHRC, Associated Buildings next door, elementary school on County Rt 78 – concern is safety. Only concern – don't want to hinder business but especially coming out of County Road 11 – coming out of there you can take right or left; can't see anyone taking a left there.

G. Lake                            He is going to have to speak with the County on both curb cuts. Last time it was brought up and discussed this – for whatever reason it is a crazy intersection.

B. Capozella                      They should have fixed that – right hand turns.

G. Lake                      There may be some relining or striping I think the County may ask for. When you talk to them pass on our concerns unless Mr. McGoey wants to pass on our concerns and have them look at this application. I understand you are not going to rebuild it but sometimes some striping or some concrete to define the turning movements can go a long way.

B. Capozella                This is different than the sports center. The sport center's hours are off peak this is more peak and understand whole purpose of the business and is for the peak hours.

G. Lake                      This will end up being a busy store as not much out that way.

C. Najac                      I expect it to be very busy and concern goes along with Bill's (Capozella) that coming out on Mt Hope Road is right only makes sense.

Jay Samuelson              They may very well limit us to that.

C. Najac                      We made it easier to do the canopy in the front, just do it now. We went to two canopies. Explain traffic flow with two canopies. Because picture you just showed had one canopies with 4 islands and you have 4 islands but using 2 canopies – why?

Jay Samuelson              Because of location and have them on 45 to the building – you come in you will be able to park this way (looked at drawing) pull in at 45 at any of these or same direction from this way depending on which side gas tank is on. You will be on a 45 and not sticking out perpendicular to any one of the parking lots you 'll be on an angle. The canopies are 20ft wide and concrete apron underneath is 2 feet bigger than that. About 20 feet between edge of overhang and edge of the pavement where cars drive around, fueling trucks to come in and fill the tanks. Sufficient room for movement. With the grade change if we did one solid canopy across the grade change is significant and on one end 4 or 5 feet different from other end.

C. Najac                      You proven the delivery truck can make turn.

Jay Samuelson              I can provide truck turning templates but yes, brought tractor trailers through here and had no problem. We have made aisls with 30 foot wide 45ft radiuses for turns so they can traverse around the site.

C. Najac                      Not much you can do as not your property – the school down the street is the just the right distance – not kids attending elementary but kids there on Saturday and Sunday because the place is full of kids every Saturday/Sunday playing soccer, softball or baseball and guarantee there will be kids walking up the road to get a candy bar. Creating another nightmare and can't ask you to build a sidewalk there as not your property but need to be aware this is something that is going to happen. Any input from the school – the school gives them permission to use the property.

R. McGoey                    That got notice of the Public Hearing.

G. Lake                      Yes.

C. Najac                     We want it on the record it was not missed. Last issue is lighting plan.

Jay Samuelson              We do not have one you will be getting one.

C. Najac                     Hopefully looking at the LED.

A. Guattery                 Nothing at this time.

G. Lake                      They need to go back to work session. Do you want December 7<sup>th</sup> or the first one in the new year?

Jay Samuelson              If we can get on the next work session, we can have them all addressed in a few weeks time.

G. Lake                      We can put you on December 7 and if you don't reach the office, try Mr. McGoey for the next available work session.

G. Lake                      Motion for Public Hearing on December 7, 2016; Second (A. Guattery) (D Dulgarian); Opposed (none);

G. Lake                      Motion to Adjourn at 8:23pm; Seconded (D Dulgarian)(J Keegan).

TSB:jcd