

4/19/17  
PB minutes

Town of Wallkill  
PLANNING BOARD MINUTES  
April 19th, 2017

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

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer  
Gardiner Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

ZBA Liaison update (Ken Dunn)

**New Homes by Liberty SP/SUP – 2629 Rt. 302 (22-3-7) #110-16**

T. Depuy I'm representing the owner. Their office is over in this building here. On the adjoining piece of property they want to install 3 models. 2 will come in first and the 3<sup>rd</sup> will come in later. We are showing a parking lot area and where to service it. We also have a sidewalk over here and each of the units will be HC accessible since they are open to the public. We show ramping and we have one HC parking space to comply with the parking requirements. I'm showing a landscape plan. We will landscape in the entrance area here and between the buildings. The units will also be done and we will plant some larger trees between the units.

G. Lake These are showroom houses? (yes, not occupied) No plumbing, no electric?

T. Depuy They might have electric for A.C. They are on reinforced slabs on grade with support under each unit. They will box out the lower areas and make them look like a basement but they will be wall to wall. They are going to have to be tied down so we have gone over that with the Bldg. Dept.

G. lake Any problem with Dick's Comments? We need to set a PH.

D. Dulgarian I see no issues.

J. Keegan The office will be on the other parcel and they will be taken over to the houses?

T. Depuy They will make an appt. and we will drive back up here and walk over to the units. No office space by the models.

B. Capozella What about lighting at night?

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T. Depuy            We are going to put one light in the parking lot so during the darker months they will have some light. Then we will have some accent lighting against the buildings itself.

C. Najac            The slabs will be set up so you can change models?

T. Depuy            yes, they will pull it out and bring the other one in. We will reconfigure it at that time.

A Guattery        Night security?

Scott S.            WE have security cameras on the existing structure on Rt. 302 and will put them on the models as well. They are smart technology, energy generating homes so all of them will have security cameras.

A Guattery        Reason why it is that far away from the existing bldg? Versus being down in the corner and having a path to walk from the office?

Scott S            There is wetlands in between.

T. Hamilton            The electric is strictly for AC?

Scott S            They will be fully wired because they are modulars. WE have power to turn on the lights and we need that to show customers. We are not trying to put AC in, we are trying to minimize our carbon footprint. That is part of our business modular. We would like to put solar in as well.

G. Lake            My question is why wouldn't you have some means of getting from the office over to this site? I see the guys riding on ATV's right now and pickup trucks.

T. Depuy            They have the availability to walk from here over to the site.

G. Lake            Why make their customers go back on 302 and then onto the property when they have a semi road there now?

Scott S.            We have a 6 x 6 vehicle that we can transport people with so we will not be going back out on 302 if they come to the main office. We also plan on meeting people directly at the homes and they will have a doorbell that will show a video in our office so we can speak to them and keep them engaged while we send someone from there.

G. Lake            You have done a nice job and it looks fantastic.

T. Depuy            We do have that option there is a double fence along here.

G. Lake            Motion to set a PH for 5/3/17. Bill/Andy 7 ayes.

**T.E.G. Credit Union SP/SUP & Lot Line Consolidation – (60-1-45.12 & 46 ) #03-17**

J. O'Rourke      John O'Rourke appearing for the applicant. I have some arch. Hand-outs for you. We are proposing a 2300 s.f credit union at the intersection of Ballard and Crystal Run Rd. This is 2 parcels and we are proposing realigning the lot line and creating a 60' ROW to the Town of Walkkill for the future extension of Sullivan Lane. Currently our property extends over Sullivan Lane, a town road by use and we propose to offer easements to any of the adjoining properties in case the Town abandons this road in the future. This way they can still access Sullivan Lane. Again, we are showing a 2300 s.f bldg. We added a turning lane off of Crystal Run Rd. into Sullivan. We donated this point but it's more the DPW Supt. That will be doing some work here so he asked if we can extend that. In the future when this does become Sullivan Lane we can extend that down and around. You have that turn lane there and at the last workshop the Chairman had requested a stone wall similar to the CRHC one across the street. We added that along the ROW and we submitted trees as requested on the Landscape Plan. The site is about disturbing a little less than an acre – the SW will sheet of the parking lot using swales to the back portion of the lot. W&S is taken off the existing Sullivan Lane. we coordinated that with the W&S Supt. That it is there and available. Access around the site, there will be 2 windows. There will be about 15 cars stacked. We could hold 35. Sullivan Lane will be improved to Town Road Standards and dedicated to the Town about 250' from the intersection. In the future when the other parcel gets developed this would extend. We submitted full plans, landscaping and lighting. We are looking to have a PH set.

G. Lake When you were at w/s I bought up the access from Alberts property that goes onto Sullivan Lane. I realize it won't change at this point but have you done anything? What will happen to their access?

J. O'Rourke      we would offer them easements to utilize this road. The Town would stop the access to Crystal Run. This would be extended and they would come back this way. We would offer them easement to continue to use that portion.

G. Lake              Dick's comments?

R. McGoey              I agree that we can set a PH.

D. Dulgarian      Is there a traffic control device at the Ballard Rd. intersection where it goes into your property?

J. O'Rourke      We submitted a traffic report to the Town. We are going to add a turn lane on Crystal Run Rd into our site and the traffic light will be relocated with the new signal head. The entire intersection will be signalized. It will be actuated.

D. Dulgarian      All SW will be in the back of the facility and how is it going to be managed?

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J. O'Rourke It is less than an acre so we do not have to do any Stormwater Management. The Town does not have drainage facilities there so it will sheet flow and basically pond in a low area back here. Right now drainage from Crystal Run sits here. We get the drainage off of Ballard and Crystal Run. We are raising our site a little bit and we have slight swales around to bring it back into this area.

D. Dulgarian If you are raising the site what happens to the water that was in there?

J. O'Rourke We are just raising this portion of the site. It swales down and around.

D. Dulgarian I think it's a good use. I know they wanted the road to line up at some point for access to the back. No other issues.

J. Keegan I think this is a good use for the property. I have no problem setting a PH.

B. Capozella I like the idea of the turn lane. I don't see any traffic impacts the way it's set up right now.

C. Najac Does the water pond in the back now?

J. O'Rourke Slight ponding occurs here in the Spring.

C. Najac It's a good use for the site. I know that we have been looking forward to lining up this road. Thank you.

A Guattery Good use and I have no problems. One question –is there a reason why you did not extend Sullivan Lane parallel and in line with Ballard Rd. If you were to take the entrance to the bank and turn it 180 degrees so if you were coming off Ballard Rd. it was still a straight line thru the intersection? Does it not help save the issue with the access for the Herbert Albert Property? That is why I was asking. If we extend Sullivan Lane they are coming up and back to that driveway?

J. O'Rourke Basically they like intersections not at angles. The intersection would not work- it's an acute angle. If you actually did that there would not be enough property.

D. McGoey One of the things we have looked at in the past is to take the corner of Crystal Run and square off Ballard Rd. with the new intersection. The overall concept of that intersection is to square that off on that side.

A Guattery Got it- to realign it on the other side.

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T. Hamilton Has there been discussion with the Alberts and losing that? Do they have deeded rights to come out on that piece?

R. MCgoey No there has not been. It's a Town road by user highway so the Town would have to abandon it and at that point I guess they would be notified.

J. O'Rourke They will be noticed at the PH.

G. Barone We also need to see whether or not there are any easements in their favor over your land.

J. O'Rourke Not within our deed.

G. Barone But within your chain of title, conveyances, anything of that nature?(no) Isn't there a residential property that accesses that road? (yes) Are you changing their access point?

J. O'Rourke No, because we tie back into Sullivan after their access point. We are not changing Albert's access point either, we are leaving it there. If the Town decides to eliminate it in the future we are giving them the option.

T. Hamilton The drainage, where Sullivan will eventually be continued, why not get some of that infrastructure in there now? You will want to have drainage down on the new Sullivan Lane. At least to get that put in on that piece so you can tie it in and don't have a sheet running all the way around the building. Tie it up and hook it not the new road.

R. MCgoey I think Tom is right. We need to put something in paved portion that you are constructing, then we should do that now.

J. O'Rourke WE can put it in but it should be buried because the grade, you would have to come all the way back down Sullivan to have a discharge point.

T. Hamilton We are saying for the future to have it in that part of it now.

J. O'Rourke And that is what I'm saying. We could potentially do that but those pipes won't go anywhere because the grade elevation, there is no place to discharge. If I put catch basins here there is no place for me to take that water and pipe it. If the Town proceeds with this and redoes Sullivan Lane, it drops off several hundred feet.

G. Lake Speak to Mr. Ingrassia or Mr. Aumick from the DPW to see if that is a good idea. If you bury a pipe for 10-15 years it might just rot away. Water might get in and not be able to go anywhere.

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J. O'Rourke We did meet with the DPW Supt.

G. Lake Motion to set a PH for 5/17/17. Andy/Jim 7 ayes.

**SOS Fuels SP/SUP – Rt. 17M & Gaynor Rd. (36-2-62.22) # 21-17**

T. Depuy We came back in front of this board to see what decision was made on whether or not this is a warehouse or not and if we should go to the ZBA ?

G. Lake We talked before the meeting along with our attorney and to err on the side of caution we feel its better you go to the ZBA for an interpretation. There were a couple comments made that they might sell things in that building (retail) Then that brings up where is the water and bathroom? It was presented to us last time (20x20) bldg. is just for key pick up. The warehousing after we all spoke really does not fit into this use. Last meeting we suggested you go to the ZBA and make application at the same time while we were researching this. I think it's a bit of stretch to call it a warehouse. I would be willing to send you to the ZBA with a recommendation.

D. Dulgarian My question is by definition is a warehouse a structure?

G. Barone Yes, under the code under the definition section it defines a warehouse as a building or part of a building for storing goods, wares and merchandise whether for the owner or for others and whether it is a public or private warehouse. The code definition looks for stuff being stored in the building. I did have an associate do some research for applicable case law looking for cases that would construe this as a warehouse if there were any and looking for cases that would show if there was a broader or generally acceptance of a warehouse. We found nothing that would support an interpretation more favorable to the applicant. One of the things we looked at as well is when you are dealing with public services that the federal govt. gives them the benefit of the doubt on something like this. We found nothing like that. The case law we found supports our local code interpretation that a warehouse is a building for the storage or keeping of goods and not something outside like bulk materials being stored outside. If not, it would indicate that they would need to go to the ZBA for an interpretation or variance of this.

D. Dulgarian Thank you- I have no problem sending them to the ZBA with a recommendation. I think we have to make sure it gets approved correctly.

J. Keegan I'm ok with the ZBA and a recommendation.

A Guattery I think one of the things that has to be considered is not only do we have bulk storage tanks, but the small tanks coming in and out that go to the customers houses. By definition if it is going under warehouse do the tanks need to be stored in a structure to make this correct or do the large

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storage tanks fall under bulk storage. The small tanks really should not be outdoors. If they are not bulk storage, you are just storing product like a warehouse would. I think the interpretation needs to take a good look at in order to have those bulk tanks we need to have some sort of a structure for the smaller things similar to Blue Flame Propane. There is a building in the front that they have storage in. other than that I'm ok with the ZBA.

T. Depuy I don't believe we want to store the tanks in the building. They are outside storage. The 2 bldgs. On the site are a 20x20 shed and basically they are going to have some small parts for the tanks but that is it. They won't be filled on site, they will go out and filled there.

A Guattery The 100 and 150 gallon tank for the houses that is the product that is being stored that is not bulk storage. Bulk Storage is fuel in a very large tank. We are also keeping small tanks on the site. For keeping them there we want an interpretation that this is a warehouse facility but you are not going to build a structure because you keep everything outside. I think an interpretation needs to be made.

G. Barone This is one of the instances where common sense says maybe you should depart from the strict reading of the zoning code for fire and safety issues. I'm not a fireman so I don't know whether it is a big deal to keep the stuff inside the building or not. Professionals in that area should decide on that. Maybe those considerations could be vetted in front of the ZBA or they can give us a more open license with your variance or interpretation so when you come back here we can decide building yes or no and where it should be etc. I'll write that up in the referral if that is something we want an opinion on. We do the design over here but they will let us know if it is permitted or not, then we will pick it up from there.

T. Depuy We want to request that the tanks be outside storage?

G. Barone We would have the option here to keep them outside or restrict it one way or the other.

T. Hamilton If they put the smaller tanks indoors they would meet the warehousing part but if the fireman on this board say it is not safe let the ZBA interpret it.

G. Lake Being in the fire service I shudder at the thought of storing tanks inside. A fenced in area maybe? No matter how hard you try to make sure they are empty they might not be. I know we have been to Blue Flame after they have purged the tanks. We have had to cut the gate, go inside and have the DEC there. They are allowed to purge the tanks but I would not want that done inside. Jim is a professional firefighter in the City – I don't know if he shares the same view. I'm for sending it to the ZBA with a recommendation. I'd rather be safe than sorry.

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C. Najac                    The small tanks that are stored outside and are going to be installed at homes - are they new or are they ones bought back from other customers? Even after purging it could have volume left in it. You still have material in that tank. What do they do with that?

G. Lake If they got too hot they would blow off. They have a blow off relief valve on them. They also do have the means of recovering the gas out of the tanks and putting it back in the truck.

A Guattery            All the tanks now fall under the definition of bulk storage – that changes how the ZBA looks at it . I was under the assumption the tanks were new and nothing in them yet. Now we have to consider the small tanks are part of the bulk storage.

G. Lake                    Motion to refer to the ZBA with a recommendation. Doug/Andy 7ayes.

MEETING ADJOURNED.